Odisha Judicial Service (Mains) 2015

Personal Law · optional paper

3 hours · Full marks: 150

The questions are of equal value. Answer six questions, selecting three from Section–A and three from Section–B.

SECTION—A

1. Discuss the concept of marriage under Hindu Law. What are the essentials of a valid marriage under the Hindu Marriage Act, 1955?

2. The remedy of judicial separation was unknown to the shastric Hindu Law. But the British Indian Courts permitted in certain circumstances. Discuss the grounds on which a decree for judicial separation may be obtained under Hindu Marriage Act, 1955 as amended upto-date. How does a decree for judicial separation differ from that of a decree of divorce?

3. Explain the concept of defacto guardian. With the help of decided cases discuss whether Hindu Minority and Guardianship Act, 1956 abolished it?

4. With the help of statutory provisions discuss the general rules relating to succession given under Hindu Succession Act, 1956.

5. What do you understand by Hindu Coparcenary? Distinguish it from Joint Hindu family.

6. What is Antecedent Debt? Discuss the powers of Hindu Father to alienate to Coparcenary property for payment of its antecedent debt.

SECTION—B

7. Who is a Muslim? Discuss the various classical sources of Islamic Law.

8. As is well known, the law of Islam is available in different versions which agree in fundamentals but differ with one another in respect of certain details known as Schools of Law. Discuss the various Schools of Sunnie Law now prevail in various parts of the world.

9. While discussing the concept, capacity and form of marriage also discuss the proof of Muslim Marriage.

10. Discuss the grounds on which marriage can be dissolved by the Muslim wife under the provisions of Dissolution of Muslim Marriage Act, 1939.

11. With the help of decided cases discuss the provisions of Muslim Women (Protection of Rights on Divorce) Act, 1986.

12. Write explanatory notes on any two of the following:
(a) Muslim law recognises legitimacy and not legitimation
(b) Khayar-al-bulagh (option of puberty)
(c) Kinds of Maher
(d) Waqf-alal-aulad (Family waqf)